

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 22, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ERIK SANDOVAL,

Plaintiff,

v.

SPOKANE COUNTY, MR.
SPARBER, CHAPLAIN, SGT
PURCELL, MR. SCOTT, OFFICER
SMITH, and LT WIRTH,

Defendants.

No. 2:22-cv-00085-MKD

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH *IN*
FORMA PAUPERIS AND FILING
FEE REQUIREMENTS AND
FEDERAL RULE OF CIVIL
PROCEDURE 11(a)

Plaintiff Erik Sandoval, a prisoner at the Spokane County Detention Services, filed this *pro se* civil rights complaint on April 11, 2022, along with three other plaintiffs in Case No. 2:22-CV-00066-MKD. ECF No. 1. On April 25, 2022, this Court directed the Clerk of Court to sever the case and ordered the plaintiffs to proceed in four separate civil actions. No. 2:22-CV-00066-MKD, ECF No. 13. Plaintiff did not pay the filing fee to commence this action as required by 28 U.S.C. § 1914, nor did he seek leave to proceed *in forma pauperis*.

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1 By letter dated April 11, 2022, the Clerk of Court advised Plaintiff that he
2 needed to complete and file a Declaration and Application to Proceed *in forma*
3 *pauperis* and supplied him with the form. No. 2:22-CV-00066-MKD, ECF No. 9.
4 The Clerk of Court advised Plaintiff that he also needed to provide a statement of
5 his inmate account for the six months immediately preceding the submission of
6 his complaint (also known as a “PLRA statement”). *Id.* In the alternative, the
7 Clerk of Court directed Plaintiff to pay the full \$402 filing fee (\$350 filing fee,
8 plus \$52 administrative fee) to commence this action. *Id.* Further, the Clerk of
9 Court instructed Plaintiff that, consistent with Rule 11, Federal Rules of Civil
10 Procedure, he needed to sign and resubmit only the signature page of his
11 Complaint. *Id.* The Clerk of Court supplied Plaintiff with a copy of the signature
12 page. No. 2:22-CV-00066-MKD, ECF No. 9-1 at 1.

13 On May 19, 2022, this Court ordered Plaintiff to either complete and file a
14 Declaration and Application to Proceed *in forma pauperis* and submit a certified
15 statement of his inmate account for the six-month period immediately preceding
16 April 11, 2022, or pay the full \$402.00 filing fee. ECF No. 3 at 3. This Court also
17 ordered Plaintiff to sign and resubmit only the signature page of his
18 Complaint. *Id.* Plaintiff was cautioned that failure to do either within 30 days of
19 the date of the Order would result in the dismissal of this case. *Id.* Plaintiff did
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1 not comply with these directives and has filed nothing further. Therefore, it
2 appears that Plaintiff has abandoned this litigation.

3 Accordingly, **IT IS ORDERED:**

4 1. For the reasons set forth above and in the Court's prior Order, ECF No. 3,
5 this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with
6 the filing fee and *in forma pauperis* requirements of 28 U.S.C. §§ 1914 and 1915,
7 and for failure to comply with Federal Rule of Civil Procedure 11.

8 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
9 of this Order would not be taken in good faith and would lack any arguable basis in
10 law or fact.

11 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
12 **enter judgment**, provide copies to Plaintiff at his last known address, and **CLOSE**
13 the file.

14 **DATED** June 22, 2022.

15
16 s/Mary K. Dimke
17 MARY K. DIMKE
18 UNITED STATES DISTRICT JUDGE
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